

119TH CONGRESS
2D SESSION

H. R. 8032

To amend title XVIII of the Social Security Act to ensure equitable payment for, and preserve Medicare beneficiary access to, cancer treatments under the Medicare hospital outpatient prospective payment system.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2026

Mr. DUNN of Florida (for himself and Mr. SOTO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to ensure equitable payment for, and preserve Medicare beneficiary access to, cancer treatments under the Medicare hospital outpatient prospective payment system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Facilitating Access to
5 Innovation in Cancer Care Act” or the “FAIC Act”.

1 **SEC. 2. SEPARATE PAYMENT FOR CERTAIN CANCER TREAT-**
2 **MENTS.**

3 Section 1833(t)(16) of the Social Security Act (42
4 U.S.C. 1395(t)(16)) is amended by adding at the end the
5 following new subparagraph:

6 “(H) SEPARATE PAYMENT FOR CERTAIN
7 CANCER TREATMENTS.—

8 “(i) IN GENERAL.—Notwithstanding
9 any other provision of this subsection, with
10 respect to a specified cancer treatment (as
11 defined in clause (v)) furnished during a
12 year (beginning with 2026), the Secretary
13 shall not package payment for such treat-
14 ment into a payment for a covered OPD
15 service (or group of services), and shall
16 make a separate payment as specified in
17 clause (ii) for such treatment, if such
18 treatment has an estimated mean per day
19 product cost equal to or exceeding the
20 threshold specified in clause (iii) for such
21 year.

22 “(ii) SEPARATE PAYMENT.—For pur-
23 poses of clause (i), the separate payment
24 specified in this clause for a specified can-
25 cer treatment is a payment in an amount
26 equal to—

1 “(I) the average sales price for
2 such treatment established under sec-
3 tion 1847A, as calculated and ad-
4 justed by the Secretary to the extent
5 such adjustment is adopted for other
6 specified covered outpatient drugs
7 under paragraph (14)(A)(iii)(II); or

8 “(II) if the data necessary to cal-
9 culate such average sales price for
10 such treatment is not available, the
11 wholesale acquisition cost (as defined
12 in subsection 1847A(c)(6)(B)) for
13 such treatment, as calculated and ad-
14 justed by the Secretary to the extent
15 such adjustment is adopted for other
16 specified covered outpatient drugs
17 under paragraph (14)(A), or, if such
18 wholesale acquisition cost is not avail-
19 able, the mean unit cost for such
20 treatment (as derived from hospital
21 claims data).

22 “(iii) THRESHOLD.—For purposes of
23 clause (i), the threshold specified in this
24 clause is—

25 “(I) for 2026, \$350; and

1 “(II) for a subsequent year, the
2 amount specified in this clause for the
3 preceding year, increased by the OPD
4 fee schedule increase factor under
5 paragraph (3)(C)(iv) for the year.

6 “(iv) BUDGET NEUTRALITY.—The
7 Secretary shall make such adjustments as
8 are necessary under this subsection to en-
9 sure that the amount of expenditures
10 under this subsection for a year with appli-
11 cation of this subparagraph is equal to the
12 amount of expenditures that would be
13 made under this subsection for such year
14 without application of this subparagraph.

15 “(v) DEFINITION.—For purposes of
16 this subparagraph, the term ‘specified can-
17 cer treatment’ means a drug or biological
18 that—

19 “(I) is approved by the Food and
20 Drug Administration on or after Jan-
21 uary 1, 2008, for use in the detection
22 or treatment of cancer;

23 “(II) does not receive transitional
24 pass-through payments under para-
25 graph (6); and

1 “(III) has payment that would,
2 but for application of this subpara-
3 graph, be packaged into a payment
4 for a covered OPD service (or group
5 of services).”.

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